

**MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
OCTOBER 13, 2000, IN THE ALUMNI HOUSE
1925 F STREET, NW**

The meeting was called to order by President Trachtenberg at 2:15 p.m.

Present: President Trachtenberg, Vice President Lehman, Registrar Selinsky, and Parliamentarian Pagel; Deans Futrell, Phillips, and Tong; Professors Boswell, Captain, Castleberry, Cawley, Divita, Duff, Gallo, Griffith, Haque, Harrington, Johnston, Lindahl, McAleavey, Mergen, Moses, Nagy, Park, Pelzman, Simon, Stephanic, Thornton, Wilmarth, Yezer, and Zaghloul

Absent: Deans Harding, Lefton, Riegelman, Williams, and Young; Professors Hoare, Mergen, and Robinson

APPROVAL OF MINUTES

The minutes of the regular meeting of September 8, 2000, were approved as distributed.

RESOLUTIONS

I. RESOLUTION 00/2, "A RESOLUTION ON AMENDING RESOLUTION 99/2, A RESOLUTION TO AMEND THE 1996 FACULTY CODE OF THE GEORGE WASHINGTON UNIVERSITY"

Professor Wilmarth noted that the Executive Committee did not have an opportunity to obtain any input from the administration on Resolution 00/2, which he had drafted, before it was distributed with the agenda for this meeting. He said that, subsequently, Professor Boswell and he discussed this Resolution with Vice President Lehman. Vice President Lehman indicated that he did not have a problem with the overall thrust of the Resolution, particularly the idea that we would use the Faculty Senate Executive Committee's February 10, 1993 Memorandum to explain what "compelling reasons" means. However, Vice President Lehman preferred to have the 1993 Memorandum speak for itself and not be further characterized in the Resolution itself. Upon further reflection, Professor Wilmarth said that it did not seem essential to further elaborate on the 1993 Memorandum in the Resolution as long as we agreed that it did, in fact, set forth the standard for "compelling reasons" which both the Faculty Senate and the administration are comfortable with. With this understanding, Professor Wilmarth proposed that the Resolution be amended, as follows:

- (1) (p. 2) Strike the first two full WHEREAS Clauses in their entirety; (this language essentially describes what the 1993 Memorandum embodies)

- (2) (p. 2) Revise the third full WHEREAS Clause to read: "WHEREAS, the Faculty Senate understands that the University Administration is in general agreement with the interpretation of the "compelling reasons" standard set forth in the 1993 Memorandum; and"
- (3) (p.2) In the fourth WHEREAS Clause, Line 1, change the word "understandings" to "understanding."

Professor Wilmarth encouraged the Senate to look at page 8 of the minutes of September 8th in which he expressed his own view that the 1993 Memorandum embodies a principle of substantial deference by the administration to an authorized faculty body that has authority under the Faculty Code to make a particular decision such as tenure or promotion, or in this case, the determination of a faculty grievance. Based on his view that this principle of substantial deference is fully recognized in the 1993 Memorandum, Professor Wilmarth said that he believed the substantial deference clause did not need to be included in Resolution 99/2. He also thought that the substantial deference clause originally included in Resolution 99/2 might be potentially harmful because it might create a negative inference regarding the proper application of the "compelling reasons" standard where it appears elsewhere in the Code without an explicit reference to a substantial deference principle, particularly with regard to tenure and promotion. Based upon those understandings, Professor Wilmarth then moved adoption of the proposed amendments. The motion was seconded.

Professor Boswell expressed his hope that the Senate could move this Resolution along in time for the Board of Trustees' meeting this month. He noted that the Senate had another large committee working on the grievance procedures for almost two years, and what this set of procedures does is to streamline the process. He urged the Senate to approve the amendments proposed by Professor Wilmarth. Professor Wilmarth pointed out that the current grievance procedures essentially have no standard of review when it comes to the administration's review of a faculty grievance determination. So, the compelling reasons standard is far superior to the existing policy which basically has no standard of review and would appear to indicate that even a de novo review might be permissible.

Professor Griffith spoke in support of the newly-drafted amendments to the Resolution. The principal point, he thought, is retained in the Whereas Clauses in that we have established a history of how the Senate understands the phrase "compelling reasons" is to be interpreted as set forth in the 1993 Memorandum, and the fact that the administration is in general agreement with that interpretation.

The question was called on the Wilmarth amendments, and the amendments were passed. The question was then called on the original motion, as amended, and Resolution 00/2, as amended, was adopted. (Resolution 00/2, as amended, is attached.)

II. RESOLUTION 00/3, "A RESOLUTION ACCEPTING WITH APPROVAL THE REPORT OF THE JOINT FACULTY/ADMINISTRATION TASK FORCE ON THE PROPOSED COLLEGE OF PROFESSIONAL STUDIES"

On behalf of the Executive Committee, Professor Boswell, Chair, moved the adoption of Resolution 00/3, and the motion was seconded. He noted that this Resolution was a product of the Joint Faculty-Administration Task Force established by the Faculty Senate. Given the information the Task Force had, and it wasn't all of the information they would have liked to have had, Professor Boswell said that they came up with this Resolution. He said that he would like to summarize the conclusion of the Task Force, as follows:

It should be stressed that the Task Force at the outset included opponents of the proposed College of Professional Studies, supporters of the College of Professional Studies, and those people who were neutral on the issue. Operating on the basis of consensus wherever possible, however, the Task Force was able to articulate a common vision for the College of Professional Studies, preserving faculty prerogatives where that was important, preserving administration prerogatives where that was important, and maintaining a commitment to academic integrity overall. There will, of course, be disagreements by some of the faculty on some specific proposals or assumptions in this Report. And no member of the Task Force agrees with every sentence in this Report. But the dissatisfaction was, in a sense, equitably distributed as the members of the Task Force, despite the diversity of their views, were unanimous in their approval of the conception articulated here. Those who oppose this vision of the College of Professional Studies, whether on the faculty side or within the administration, generally should understand that the principles and compromises articulated here follow a uniquely inclusive, intense and reasoned process directly involving two of the three stakeholders in university governance. Following the Faculty Senate's reaction to this Report, it will fall to the third stakeholder in this process, the Board of Trustees, to determine if the University will respond creatively to the demand for continuing professional education in the new knowledge-based economy.

Professor Boswell urged the Senate to accept the Report of the Task Force.

Professor Griffith spoke in support of the Resolution in its current form except that he would offer a third Resolving Clause. Before moving his amendment, he first pointed out the significance of the second Resolving Clause which would require some changes in the Faculty Code provisions consistent with the Joint Task Force's recommendations. He said that, if it accepted this report in principle, he thought the Senate was committing itself

to making changes in the Code as may be required, and he suggested to the Executive Committee that the task of drafting of any such amendments to the Faculty Code be assigned to the Senate to make certain that such exceptions to the Code as may be created for this new College would be as narrowly tailored as possible to achieve the effect and not broad gauge changes to the Code that might wreak havoc on other parts of the faculty involved.

Professor Griffith said that one of his principal concerns is that the chief role of faculty oversight in the proposed structure is to be carried out by a Dean's Council. While the document provides very carefully for creating incentives for faculty working groups which will be working on specific programs, nothing is said about any kind of incentive or reward system for the members of the Dean's Council who would have a large responsibility in trying to make sure that the quality of the programs is what it should be. He said that unless they are given appropriate reduced course loads or other incentives, he thought it would be difficult to get them to play that role. Another aspect that concerned Professor Griffith in the proposal was that of new degrees. He said that the authority is given to the faculty working group involved for approving the degrees, but there is no provision for review by the Dean's Council, and he thought that that should be a function of the Dean's Council. Finally, Professor Griffith said that rather than going through the document and trying to express concern about various items, such as these, he thought it would be better to follow a suggestion made by his colleagues Professor Lee Salamon and Professor Walter Kahn, who suggested that it would be wise to have some sort of process of accountability on the development of this new organization. In that regard, Professor Griffith then moved to amend the Resolution by adding a third Resolving Clause, as follows:

(3) That the Faculty Senate requests, in the event a College of Professional Studies or similar organization be established, (a) that during each of the first three years of activity of the new organization the Vice President for Academic Affairs present a report to the Faculty Senate on its activities and achievements, and (b) that the Executive Committee of the Faculty Senate organize, during the fourth year of the organization's existence, a full review of the extent to which the goals set forth in the Joint Task Force Report are being met and sound academic quality being achieved.

Professor Pelzman pointed out that he thought the amendment might be redundant because there is a reporting requirement in the Report itself. He cited Page 12 in the Report that calls for a periodic review every three years by the Dean's Council of each CPS course to determine whether it should remain in the CPS or be terminated. Since the placement of the program might involve shifting revenue from the CPS to another school, the decision would be made by the Vice President for Academic Affairs in consultation with an ad hoc committee appointed by the Executive Committee of the Faculty Senate. He asked Professor Griffith if he did not think that that reporting requirement was sufficient.

Professor Griffith replied that that reporting requirement had no bearing on his proposed amendment because it would ask that the Vice President for Academic Affairs report to the Senate. The reporting requirement cited by Professor Pelzman was an internal review mechanism for within the CPS, but had nothing to do with the question of reporting to the Senate.

Professor Yezer spoke in support of the amendment. He said that he was concerned that the reports that the Senate has seen seem to imply that there will be no impact of this venture on what he considered to be already over-congested systems, like the Library, the e-mail system, computing system, and space, and he thought that we were in danger of treating these as a "free lunch," which his department campaigns against.

The President asked if there was a second to Professor Griffith's motion. The motion was seconded. The question was called on the Griffith amendment, and the motion was passed.

Professor Wilmarth raised a point of clarification. He said that it would be his understanding that, if the administration were to ask the Faculty Senate to consider amendments to the Faculty Code, that request would first be delegated or referred to the Professional Ethics and Academic Freedom Committee for review and input to the Senate before the Senate might act. He then asked Professor Boswell if that was the intent of the Executive Committee and the Senate. Professor Boswell responded that Professor Wilmarth's understanding was correct.

Professor Nagy spoke against the Resolution, stating that if the Senate passes it, there is no way that the Senate can then turn around and refuse to pass changes to the Faculty Code, whatever they may be. In light of that, he moved the introduction of a Substitute Resolution, copies of which were distributed to the Senate. The President called for a second. Hearing none, the President ruled that introduction of the Substitute Resolution failed for lack of a second.

Further discussion on the original motion, as amended, continued by Professors Boswell, Nagy, Wilmarth, Griffith, and Steinhardt.

Professor Griffith noted that one of the proposals that has been under consideration throughout this discussion has been the possibility that a subsidiary would be created, and that this educational-outreach activity would be undertaken by an independent subsidiary, perhaps a for-profit corporation, which would not be under the Academic Vice President's supervision. He said that there have been many rumors to the effect that there are still such proposals which are being considered which might go to the Board as rival proposals to what the Task Force has considered. He then asked Vice President Lehman if he would comment on this possible proposal.

In response, Vice President Lehman first thanked Professor Steinhardt and the other members of the Task Force for their hard work. He said he thought the process had been very open and that people were able to speak frankly, and provided a real opportunity for collaboration between the administration and faculty relative to the Task Force Report. With regard to Professor Griffith's question about the possibility that a subsidiary would be created, he explained that a pivotal feature of the consensus Report is the University's attempt to approach educational opportunities in the external community in a new way. The proposed College of Professional Studies is looked at in terms of a business-to-business strategy rather than an open enrollment one. Information was gathered about forming strategic alliances and partnerships with outside companies, and in the weeks following the issuance of the Task Force's Report, it was determined that it would be beneficial to form a strategic partnership within the University, between the Offices of the Vice President for Academic Affairs and the Vice President and Treasurer in order to maximize the College of Professional Studies' response to educational opportunities in the external community.

Vice President Lehman said that the proposal for the College of Professional Studies would be presented to the Board of Trustees at its meeting next week, but that in addition, another component would be proposed as well. This new component, which at this point has been named "GW Learning Solutions," would be an independent entity and would serve as the business side of the enterprise – going out into the marketplace to form strategic alliances with external entities, whether in the business world, education world, the health field, or wherever opportunities might present themselves. In addition, this unit would provide business functions for the College of Professional Studies, for example, in billing, human resources, and enrollment management. GW Learning Solutions would allow the University to work in a very quick, responsive, and unencumbered way to meet the College of Professional Studies' objectives.

Vice President Lehman said, at this point, the College of Professional Studies proposal provides for leadership through a Dean of Professional Studies. The proposal for the additional GW Learning Solutions component would include a provision that this Dean also serve as President of the new unit. While it has not yet been determined if this entity will be for-profit or not-for-profit, it will report to a Board of Directors that will be chaired by the Vice President and Treasurer, and the Vice President for Academic Affairs will be a member of that Board. The Board of Directors will also include a Dean from one of the Schools actively involved in off-campus programs, and, possibly, one other individual from the senior management of the University. It is expected that three members of the Board of Trustees will serve on the Board of Directors. If GW Learning Solutions is a not-for-profit entity, its Board will probably include two people from the particular areas in which the University is working – whether infocom, health, or another area. If the entity is formed in a for-profit mode, its Board will probably include investors with a vested interest in the enterprise. Whether for profit or not, he said that GW Learning Solutions would not in any way compromise the proposal for the College of Professional Studies under consideration by the Senate, but instead would enhance it, because it will

separate the business functions from the University. The mission and objectives of the College of Professional Studies would be furthered by this new unit, integrating the intellectual assets of the University in a way that would best align it to respond to rapidly emerging opportunities in the new economy.

Professor Gallo asked Vice President Lehman if the arrangement just described by him would impact in any way upon where resources that come into the College of Professional Studies are destined to go, and Vice President Lehman replied they would not. Professor Griffith said that one question that is raised by the establishment of an independent business unit, whether non-profit or for-profit, is whether or not the broker who is going to be in charge of marketing programs and so on, will be free to go outside and arrange for other suppliers if GW was not ready or did not want to supply a particular request from a company. Vice President Lehman replied that we may partner with other universities if that is a positive approach relative to solving a particular educational problem. He said that that is not new as we have relationships collaborating with other universities in putting degree programs together or collaborating relative to education. He stressed that it is not the administration's objective to create a situation where we would bring in another university which was going to compete against GW.

Professor Nagy commented that his Substitute Resolution makes it abundantly clear that he praised the Herculean efforts of the Task Force and that any deficiencies that are present he attributed to external forces. He said that it seemed to him that marginalization or non-marginalization occurs on a continuum. The ultimate in marginalization, he said, is to take a key player, or a set of key players, namely those colleagues who have, by every measure, completely met with Professor Boswell's depiction of the changed world and have been successful by every criteria. His concern was that he saw no mention of any of those folks or their programs, and that they have suffered the ultimate in marginalization.

11/19/00 (See Addendum attached - Remarks by Prof. Nagy.)

Professor Boswell said that he wished to associate himself with the remarks made by Professor Yezer about the resources that are necessary for the support of the work of the College, particularly the Library. He said that the ASPP Committee discussed this problem and stressed that this is one of the things that must be looked into as this College is formed. President Trachtenberg said that he wished to associate the administration with the remarks of Professor Yezer and Professor Boswell about support for the Library. He said that it is not merely the faculty who care about the Library and other support facilities -- the administration understands that if we increase the number of students, we need to increase the number of library books, facilities, and materials necessary for the educational process. Professor Griffith emphasized that it was very important that the Senate not only approve the Resolution, but insist on adequate reporting because he was not at all sure that the establishment of an independent corporation would not really impact in some serious ways on the amount of revenues that come back to the academic side for reinvestment in academic matters.

As a matter of clarification, Professor Wilmarth asked Vice President Lehman if the new business marketing unit would in any way change the Task Force Report's focus on preserving faculty governance over particular matters, such as curriculum and degree requirements for degree programs, and Vice President Lehman replied that the new unit would not house the faculty. Professor Wilmarth then asked Vice President Lehman if it is correct that the new unit would not be approving academic programs or requirements outside the faculty oversight structure recommended by the Task Force Report, and Vice President Lehman replied that that was correct.

The question was called on the original motion, as amended. Professor Nagy requested a roll call vote. The Secretary called the roll. Of those present and voting, Professors Boswell, Captain, Castleberry, Cawley, Divita, Duff, Gallo, Griffith, Haque, Harrington, Lindahl, McAleavey, Moses, Park, Pelzman, Simon, Stephanic, Thornton, Wilmarth, Yezer, and Zaghloul voted "aye," Professor Johnston abstained, and Professor Nagy voted "nay." The original motion, as amended, was adopted by a vote of 21-1, with 1 abstention. (Resolution 00/3, as amended, is attached.)

INTRODUCTION OF RESOLUTIONS

Professor Boswell introduced "A RESOLUTION OF APPRECIATION (00/4)" for Walter M. Bortz, III, former Vice President for Administrative and Information Services, who left the University this past spring to accept a position at Hampden-Sydney College. Professor Boswell read the Resolution of Appreciation, and then presented it to President Trachtenberg. The President said that, if the Senate approved, he would be pleased to personally present it to Mr. Bortz on behalf of the Senate at Mr. Bortz' upcoming inauguration as President of Hampden-Sydney College. The Senate unanimously adopted the Resolution. (Resolution 00/4 is attached.)

GENERAL BUSINESS

I. NOMINATION FOR APPOINTMENT BY THE PRESIDENT TO THE PANEL FOR STUDENT GRIEVANCE REVIEW COMMITTEE

Professor Boswell moved the nomination of Professor Daniel Kane to the Panel for Student Grievances Review Committee. The nomination was approved.

II. NOMINATION FOR ELECTION TO SENATE STANDING COMMITTEE

Professor Boswell moved the nomination for election of Professor Randall Packer to the Committee on Fiscal Planning and Budgeting. The nomination was approved.

III. REPORT OF THE EXECUTIVE COMMITTEE

The Report of the Executive Committee by Professor Boswell, Chair, is enclosed.

IV. REPORTS OF SENATE STANDING COMMITTEES

Professor Captain, immediate past Chair of the Committee on University and Urban Affairs, distributed copies of the 1999-00 Annual Report of the Committee. (The Annual Report is attached.)

V. TRIBUTE

Professor Boswell read a tribute to Dorothy A. Moore, Professor Emeritus of Education and International Affairs, who retired this past spring. Professor Moore served as a Senate member for four years and served as Chair of the Honors and Academic Convocations for three years. (The tribute is attached.)

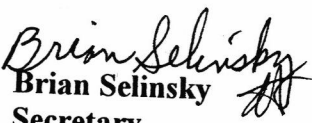
BRIEF STATEMENTS (AND QUESTIONS)

Professor Griffith noted that a decision was made in the past to stop distributing hard copies of the agenda and minutes to the faculty and instead make access to these documents online in order to reduce costs. He requested that the Executive Committee check into whether or not any faculty are bothering to access them and to download them. If the Executive Committee finds that faculty readership of the minutes and agendas has radically decreased by making them available only online, he thought the Executive should respond to that problem.

Professor Captain commented that she was happy that the discussion of the College of Professional Studies was coming to some conclusion. Although she endorsed the proposal, she noted that words like "for-profit," and "non-profit" were used, and she hoped that the administration would take seriously a request that some of the Senate members made some time ago to show that we are not just for profit, and that one of the ways we can do that is by putting our Library on the front page of our Webpage. She said that she frequently logs on to the Webpage and sees a lot about Oracle and many other things that do not pertain to the academic side, but the Library is not there. At many other major institutions, she said, the Library is on the front page. While this may seem like a small matter, she and others see it as a major issue, i.e., as if our Library does not exist and we do not take it seriously. In response, Jack Siggins, University Librarian, said that he supported Professor Captain's idea, and that, in fact, he had requested of David Schwartz and others over a year and half ago to put the Library on the front line of the Webpage, but thus far has been frustrated in his efforts. Clearly, he thought it was a matter of some concern that GW is not doing what other universities have already done.

ADJOURNMENT

Upon motion made and seconded, President Trachtenberg adjourned the meeting at 3:30 p.m.


Brian Selinsky
Secretary

A RESOLUTION ON AMENDING RESOLUTION 99/2, "A RESOLUTION TO AMEND THE 1996 FACULTY CODE OF THE GEORGE WASHINGTON UNIVERSITY" (00/2)

WHEREAS, on December 10, 1999, the Faculty Senate adopted Resolution 99/2, "A Resolution to Amend the 1996 Faculty Code of The George Washington University," for the purpose of revising the faculty grievance procedures set forth in Article X of the Faculty Code (the "Code") and Section E of the Procedures for Implementing the Faculty Code (the "Procedures"); and

WHEREAS, the second sentence of Section E.7. of the Procedures, as revised by Resolution 99/2, would provide, under specified conditions, that a decision of the Hearing Committee or Dispute Resolution Committee on a faculty grievance would be deemed final and would be implemented by the University "unless the Vice President for Academic Affairs determines, after giving substantial deference to the findings and recommendations of the relevant Committee, that there are compelling reasons not to implement the relevant Committee's decision"; and

WHEREAS, the University Administration has requested that Resolution 99/2 be amended by removing the following clause from the second sentence of Section E.7. of the revised Procedures: ", after giving substantial deference to the findings and recommendations of the relevant Committee," (the "Subject Clause"); and

WHEREAS, in an e-mail message sent to the Chair of the Faculty Senate Executive Committee on August 3, 2000 (copy attached to the agenda for the Faculty Senate's meeting of September 8, 2000), the Vice President for Academic Affairs stated that Administration desired the removal of the Subject Clause because "it goes beyond that which is already in the Code in other areas, and therefore destroys the parallelism of the Code"; and

WHEREAS, Section B.3. of the Procedures states that administrative nonconcurrences with faculty recommendations for tenure or promotion must be based on "compelling reasons," and Section IV.D.1. of the Code refers to the "compelling reasons" standard in providing for advisory reviews of departmental recommendations for tenure and promotion by school-wide personnel committees; and

WHEREAS, the references to the "compelling reasons" standard in Section B.3. of the Procedures and Section IV.D.1. of the Code do not contain a qualifying clause similar to the Subject Clause; and

WHEREAS, the Faculty Senate shares the University Administration's view that the "compelling reasons" standard should be given a consistent application wherever that standard is used in the Code and the Procedures; and

WHEREAS, in a Memorandum dated February 10, 1993 to all full-time faculty of the

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University (the "1993 Memorandum") (copy attached to this Resolution), the Faculty Senate Executive Committee set forth its interpretation of the "compelling reasons" standard as applied to administrative nonconcurrences in tenure and promotion cases; and

~~WHEREAS, the 1993 Memorandum refers to explanations of the "compelling reasons" standard contained in a 1993 interpretation by Committee T on College and University Government of the American Association of University Professors ("AAUP") as well as the Joint Statement on Government of Colleges and Universities adopted in 1966 by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges; and~~

~~WHEREAS, the 1993 Memorandum explains that the "compelling reasons" standard: (i) recognizes that the responsible faculty unit has "primary responsibility" and "a large measure of discretion" in recommending decisions in tenure and promotion cases; (ii) creates a "presumption in favor" of faculty recommendations and places a "heavy burden" on the University Administration in justifying a nonconcurrence with a faculty recommendation, and (iii) requires the Administration, in justifying a nonconcurrence, to show more than merely a "different conclusion" and instead requires the Administration to show "compelling reasons" such as overriding financial or programmatic constraints of the University, failure of the faculty to follow Code-mandated procedures, arbitrary or capricious faculty recommendations, or failure of the faculty to provide reasonable supporting evidence for its recommendations; and~~

~~WHEREAS, the Faculty Senate understands, for the reasons indicated above, that the "compelling reasons" standard requires substantial deference by the University Administration to faculty recommendations and further understands that the University Administration does not disagree is in general agreement with the interpretation of the "compelling reasons" standard set forth in the 1993 Memorandum; and~~

WHEREAS, based on such understandings, the Faculty Senate believes that including the Subject Clause in Section E.7. of the revised Procedures would involve unnecessary repetition and could cause undesirable confusion as to the proper interpretation of the "compelling reasons" standard in other sections of the Code and the Procedures; **NOW, THEREFORE**

BE IT THEREFORE RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Resolution 99/2, "A Resolution to Amend the 1996 Faculty Code of The George Washington University," be amended by striking the following clause from the second sentence of Section E.7. of the revised Procedures for Implementing the Faculty Code: "; after giving substantial deference to the findings and recommendations of the relevant Committee,".

Executive Committee of the Faculty Senate
September 22, 2000

Adopted, as amended, October 13, 2000

A RESOLUTION ACCEPTING WITH APPROVAL THE REPORT OF THE JOINT FACULTY/ADMINISTRATION TASK FORCE ON THE PROPOSED COLLEGE OF PROFESSIONAL STUDIES (00/3)

WHEREAS, the Faculty Senate has given careful consideration to the complex issues arising out of the proposed College on three occasions; has delegated or received detailed reports on the proposal from three committees, and has had the benefit of both a presentation by the present coordinator and of detailed discussion at a day conference of broad campus representation; and

WHEREAS, the Faculty Senate appreciates that the approach to professional education proposed for the College of Professional Studies is an important contemporary development in higher education that The George Washington University can and should employ to its advantage; and

WHEREAS, in an appreciation of the diverse and complex interests, both administrative and academic, that required extended negotiation and consultation in planning for the new college, the Faculty Senate sought the good counsel of a special joint faculty/administrative task force; and

WHEREAS, the Joint Faculty/Administrative Task Force has produced, after some months of investigation and deliberation, a comprehensive consensus document (the "Report") that appears to be an effective working plan for the implementation of the new college; and

WHEREAS, the Faculty Senate recognizes that amendments to the Faculty Code, as the basic charter for faculty participation in university governance, may prove necessary to reconcile with the current Code certain practices and procedures recommended for the effective administration of the new College of Professional Studies; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the Faculty Senate of The George Washington University hereby (a) expresses its considerable thanks to the Joint Faculty/Administration Task Force for its sustained, diligent and creative work and for its very useful Report; and (b) expresses its approval in principle of the Report of the Joint Faculty/Administration Task Force; and hereby forwards the Report to the President and the Board of Trustees for their consideration; and
- (2) That the Faculty Senate agrees, upon acceptance of the Report by the Board, to draft and consider amendments to the Faculty Code consistent with the Joint Faculty/Administration Task Force's recommendations.

(continued)

- (3) That the Faculty Senate requests, in the event a College of Professional Studies or similar organization be established, (a) that during each of the first years of activity of the new organization the VPAA present a report to the Faculty Senate on its activities and achievements, and (b) that the Executive Committee of the Faculty Senate organize, during the fourth year of the organization's existence, a full review of the extent to which the goals set forth in the Joint Task Force Report are being met and sound academic quality being achieved.

Executive Committee of the Faculty Senate
September 22, 2000

Adopted, as amended, October 13, 2000

A RESOLUTION OF APPRECIATION FOR WALTER MICHAEL BORTZ, III (00/4)

WHEREAS, Walter Bortz demonstrated a leadership distinguished by remarkable affability, courtesy, intelligence, creativity, integrity, administrative skills, and sense of humor, qualities long appreciated by his colleagues and many friends at The George Washington University; and

WHEREAS, Walter Bortz contributed substantially to the enrichment of the cultural environment for students and faculty, brought the University to the state of the art in information technology, and imaginatively and effectively presented the achievements and distinctions of our University to students, parents and public; and

WHEREAS, Walter Bortz wonderfully enhanced the representation of The George Washington University to the national and metropolitan press, effectively communicated the progress and aspirations of the University to the national academic community, and created within the campus a heightened pride and sense of shared values and visions; and

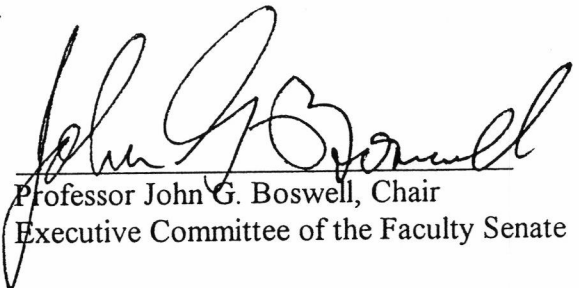
WHEREAS, Walter Bortz provided extraordinary leadership to The Mount Vernon College and its Board as the College made the difficult and challenging transition from an independent school to becoming an integral part of the larger academic community of The George Washington University, and

WHEREAS, Walter Bortz brought exceptional fairness, prudence, managerial skills and humane priorities to the management and expansion of benefits for faculty and staff of The George Washington University, and thereby did much to strengthen the sense of security, of identity, and of loyalty within the University community;

THEREFORE, NOW BE IT RESOLVED that the Faculty Senate of The George Washington University hereby expresses its deep gratitude to and its enduring respect for our colleague and friend, Walter Michael Bortz, III; and

FURTHER, BE IT RESOLVED that the Faculty Senate of The George Washington University wishes godspeed to Walter Michael Bortz, III, in his undertaking of new challenges, responsibilities and academic leadership at Hampden-Sydney College, and its best wishes for his every personal success and satisfaction in the future.

Faculty Senate
The George Washington University
October 13, 2000
Adopted by acclamation


Professor John G. Boswell, Chair
Executive Committee of the Faculty Senate

**UNIVERSITY AND URBAN AFFAIRS
FACULTY SENATE ANNUAL REPORT
1999-2000 ACADEMIC YEAR**

University and Urban Affairs met for nine months during the academic year, and three months during the summer.

Among the most salient items for discussion were 1) Benefit Run—a university-wide project; 2) A web page that would highlight the volunteer and community service of the university. In addition, we discussed a number of community-related topics such as GW's involvement in the various DC neighborhoods, and Campus Compact (a national organization focusing on service learning).

Benefit Run. The Benefit Run seeks to draw together all segments of the GW Community—faculty, staff, and students—along with the larger DC Metropolitan Community. The Benefit run would support charity events, while at the same time, provide a greater sense of accord among the various segments of “town and gown.” University and Urban Affairs presented a “Resolution to Support a Benefit Run” to the Faculty Senate which was approved unanimously (Faculty Senate Resolution 99/4). The implementation of the Benefit Run is in process.

Web Page. The committee unanimously supported Professor Umpleby's suggestion to make the Web Page initiative a student project in SBPM. For the time being, the web page will complement the already existing work that is compiled in the publication Commitments. The web page is currently in production.

In attendance were: Grae Baxter, Keith Betts, Walter Brown, Rob Cannaday, Yvonne Captain, Bernard Demczuk, Christina Enriquez, Michelle Gagne, Jennifer Griffin, Patricia Hennigan, Francine Henderson, Chris Kormis, Jane Lingo, Jeff Marootian, Amiko Matsumoto, Doub Maurer, Robert Moll, Honey Nashman, Susan Phillips, Sammie Robinson, Larry Rubin, Mary Ann Saunders, Kevin Shea, Kathleen Steeves, Stuart Umpleby, Ron Willis, Art Wilmarth

Respectfully submitted,
Yvonne Captain
Department of Romance Languages and Literatures

A Tribute
to
Dorothy A. Moore, Professor of Education and International Affairs
On the Occasion of Her Retirement and Appointment as Emeritus Professor

Presentation to the Faculty Senate
of
The George Washington University
September 13, 2000

Dorothy Adele Moore received her B.A. from the University of Maryland and her M.A. and Ed.D. from The American University.

Dr. Moore began her teaching career at The George Washington University as an Assistant Professor of Education in 1967. An Associate Professor of Education beginning in 1972, she was promoted to Professor in 1978. She also held a joint faculty appointment after 1993 in the Elliott School of International Affairs.

While at the University, Dr. Moore served on numerous department, school and University committees and in several administrative positions, including Director of Doctoral Programs for the School of Education and Human Development. A member of the Faculty Senate for four years (1987-91), she chaired the Senate Committee on Honors and Academic Convocations for three years.

Founder and director of the Master's Program in International Education, she subsequently established the Advanced Studies Program for Visiting Scholars and the Office of International Activities, all in GSEHD. Additionally, she played a key role in initiating the International Development Studies Program in ESIA. Starting in 1979 with a study mission to China, she organized and conducted an annual study abroad course for graduate students.

A recognized leader in the field of international education, Dr. Moore has published articles in professional journals and presented numerous lectures to professional groups. The U.S. Department of State, The World Bank, the Japanese Embassy, IREX, USAID and the Peace Corps, among others, have called upon her expertise as a consultant in her discipline.

Dr. Moore has traveled to all seven continents and to over seventy countries, conducting research and gathering data for program and course development. Always gracious, as well as vivacious, Dorothy brought charm and flair to the Department of Educational Leadership, the Graduate School of Education and Human Development and The George Washington University. She will be missed by colleagues and students alike.

John G. Boswell
Professor of Education and Chair, Executive Committee of the Faculty Senate

ADDENDUM to the Minutes of October 13, 2000, Faculty Senate Meeting

Remarks by Professor Thomas J. Nagy with reference to the proposed College of Professional Studies, Resolution 00/3

Nagy:

What Must We Kill to Give Birth to the CoPS?

We must kill off independent judgment, since voting yes on the CoPS requires the Senate to accept a scheme burdened with undisclosed financial costs, even cost-to-date of the CoPS, much less middle term or long term costs.

We must kill prudence if not integrity, because voting "yes" requires us, de facto, to accept changes to the Faculty Code which our not even spelled out in the CoPS resolution.

We must kill off the notion of the senate as a band of rational decision makers, because voting "yes" on the CoPS requires us to accept unstated and undebated risks, opportunity costs, and as well as swallowing comparison of the CoPS to unreasonable alternatives. Imagine if the CoPS were a house and you (Spouse 1) had just bought it under similar circumstances. Imagine your explanation to your spouse (Spouse 2).

It would go like this:

S1: I just bought us a house!

S2: How much?

S1: Can't say.

S2: Well, do you at least know the address of this

wonderful house?

Is it in our neighborhood, city, state?

here.

S1: Not sure, but I think it's not too far from

S2: How on earth could you commit us to such a big deal with so little knowledge?

S1: Well, the house looked pretty good compared to the alternatives the realtor showed me.

S2: What were these alternatives?

S1: Buckingham Palace and a pup tent.

What else dies if we vote for the CoPS? The old fashion notions that got so many of us to take big pay cuts to leave industry or the government for freedom of expression, belief, and the pursuit of real research that a real university provides. CoPS reminds me too much of the "anything for a buck" mentality of my beltway bandit days...

Anything else? Yeah, the opportunity to pick examples we feel are vital to your courses, your students, society at large. Fat chance of being able to teach with unflattering examples once the "Finder's Fee" and genius of "Business to Business marketing" takes over. Park anything that does not support the status quo at home, when you teach on the new campus inside the corporation or government agency, where managers, not peers will "guide" and "correct" you if you make the students (whoops, "customers", no rather the the managers of the "customers" uncomfortable).

What will voting "yes" give life to? Lyshenko science, Lyshenko everything, just substitute biz for for the good old politburo. Or think about the great advances in health care that have come about through corporatizing medicine. Gee, it's neat to have your doctor (whoops, "medical service provider") watching for signals from "managers" rather than you or your health, like they did in the bad old days. Shouldn't stand in the path of progress, should we?

Any benefits from voting in the CoPS? Sure some deans and even some of your colleagues may like you more, see you as the new academic, in touch with the times. At least they will till the CoPS goes down in flames, the most likely fate of any scheme straight from the pages of Parkinson's Law, Harvey's "Eichmann in the Boardroom" and Janis' "Groupthink". For short term relief and praise, vote "yes". Voting "no" on the CoPS gets you short term anxiety.

What happens if you vote "no". You will know you've done right by GWU, the students and even the deans and Rice Hall. You'll spare yourself the anaclitic depression that hits you whenever you violate the very principles that you teach and try to live by -- rationality, control by middle and long term consequences rather than control by short term consequences. You know, the stuff you tell your own kids as well as your students. You'll be like the people in the Asch experiment who did not cave in to a rigged consensus, but called 'em like they saw 'em. Or the people in Milgram's study who just plain refused to clobber the victim with electric shock, no matter what the authority figure demanded.

Resist the claims of "it's a done deal". Refuse to cave in to negative fantasies. Really folks there are no torture chambers or firing squad on campus. You do have the choice to vote no.

Do the right thing for yourself, your university, your students, your colleagues (present and future). Vote "no" on the CoPS.

REPORT OF THE EXECUTIVE COMMITTEE
October 13, 2000

1. GRIEVANCE

The Executive Committee appointed Professor Mary M. Cheh, as Special Mediator, in a grievance from the School of Medicine and Health Sciences.

2. NONCONCURRENCES

With regard to two of the three nonconcurrences reported at the last meeting, the administration has withdrawn its nonconcurrence in the case from the School of Engineering and Applied Science; in the case from Columbian School of Arts and Sciences, the nonconcurrence reached a negotiated settlement.

3. UPCOMING MATTERS

A report on the Gelman Library by Jack Siggins, University Librarian, will be placed on the agenda. Also the matter of Commercial Note-Taking Services will be taken up.

4. ANNOUNCEMENTS

The next meeting of the Executive Committee is Friday, October 27th, to set the agenda for the November 10th meeting. Any resolutions or reports for the Senate agenda should be received by the Executive Committee before October 27th.

THE GEORGE WASHINGTON UNIVERSITY
Washington, DC

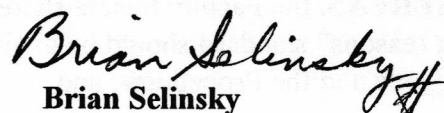
The Faculty Senate

October 2, 2000

The Faculty Senate will meet on Friday, October 13, 2000, at 2:10 p.m., in the Alumni House, First Floor, 1925 F Street, NW.

AGENDA

- 1. Call to order**
- 2. Approval of the minutes of the regular meeting of September 8, 2000, as distributed**
- 3. Resolutions:**
 - (a) A RESOLUTION ON AMENDING RESOLUTION 99/2, "A RESOLUTION TO AMEND THE 1996 FACULTY CODE OF THE GEORGE WASHINGTON UNIVERSITY" (00/2); Professor Wilmarth, Executive Committee (Resolution 00/2 attached)**
 - (b) A RESOLUTION ACCEPTING WITH APPROVAL THE REPORT OF THE JOINT FACULTY/ADMINISTRATION TASK FORCE ON THE PROPOSED COLLEGE OF PROFESSIONAL STUDIES (00/3); Professor Boswell, Chair Executive Committee (Resolution 00/3 attached)**
- 4. Introduction of resolutions**
- 5. General Business:**
 - (a) Nomination for appointment by the President of Professor Daniel Kane to the Panel for Student Grievance Review Committee**
 - (b) Report of the Executive Committee: Professor John G. Boswell, Chair**
 - (c) Interim Reports of Senate Standing Committees**
 - (d) Tribute**
- 6. Brief Statements (and Questions)**
- 7. Adjournment**


Brian Selinsky
Secretary

A RESOLUTION ON AMENDING RESOLUTION 99/2, "A RESOLUTION TO AMEND THE 1996 FACULTY CODE OF THE GEORGE WASHINGTON UNIVERSITY" (00/2)

WHEREAS, on December 10, 1999, the Faculty Senate adopted Resolution 99/2, "A Resolution to Amend the 1996 Faculty Code of The George Washington University," for the purpose of revising the faculty grievance procedures set forth in Article X of the Faculty Code (the "Code") and Section E of the Procedures for Implementing the Faculty Code (the "Procedures"); and

WHEREAS, the second sentence of Section E.7. of the Procedures, as revised by Resolution 99/2, would provide, under specified conditions, that a decision of the Hearing Committee or Dispute Resolution Committee on a faculty grievance would be deemed final and would be implemented by the University "unless the Vice President for Academic Affairs determines, after giving substantial deference to the findings and recommendations of the relevant Committee, that there are compelling reasons not to implement the relevant Committee's decision"; and

WHEREAS, the University Administration has requested that Resolution 99/2 be amended by removing the following clause from the second sentence of Section E.7. of the revised Procedures: ", after giving substantial deference to the findings and recommendations of the relevant Committee," (the "Subject Clause"); and

WHEREAS, in an e-mail message sent to the Chair of the Faculty Senate Executive Committee on August 3, 2000 (copy attached to the agenda for the Faculty Senate's meeting of September 8, 2000), the Vice President for Academic Affairs stated that Administration desired the removal of the Subject Clause because "it goes beyond that which is already in the Code in other areas, and therefore destroys the parallelism of the Code"; and

WHEREAS, Section B.3. of the Procedures states that administrative nonconcurrences with faculty recommendations for tenure or promotion must be based on "compelling reasons," and Section IV.D.1. of the Code refers to the "compelling reasons" standard in providing for advisory reviews of departmental recommendations for tenure and promotion by school-wide personnel committees; and

WHEREAS, the references to the "compelling reasons" standard in Section B.3. of the Procedures and Section IV.D.1. of the Code do not contain a qualifying clause similar to the Subject Clause; and

WHEREAS, the Faculty Senate shares the University Administration's view that the "compelling reasons" standard should be given a consistent application wherever that standard is used in the Code and the Procedures; and

WHEREAS, in a Memorandum dated February 10, 1993 to all full-time faculty of the

University (the "1993 Memorandum") (copy attached to this Resolution), the Faculty Senate Executive Committee set forth its interpretation of the "compelling reasons" standard as applied to administrative nonconcurrences in tenure and promotion cases; and

WHEREAS, the 1993 Memorandum refers to explanations of the "compelling reasons" standard contained in a 1993 interpretation by Committee T on College and University Government of the American Association of University Professors ("AAUP") as well as the Joint Statement on Government of Colleges and Universities adopted in 1966 by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges; and

WHEREAS, the 1993 Memorandum explains that the "compelling reasons" standard: (i) recognizes that the responsible faculty unit has "primary responsibility" and "a large measure of discretion" in recommending decisions in tenure and promotion cases; (ii) creates a "presumption in favor" of faculty recommendations and places a "heavy burden" on the University Administration in justifying a nonconcurrence with a faculty recommendation, and (iii) requires the Administration, in justifying a nonconcurrence, to show more than merely a "different conclusion" and instead requires the Administration to show "compelling reasons" such as overriding financial or programmatic constraints of the University, failure of the faculty to follow Code-mandated procedures, arbitrary or capricious faculty recommendations, or failure of the faculty to provide reasonable supporting evidence for its recommendations; and

WHEREAS, the Faculty Senate understands, for the reasons indicated above, that the "compelling reasons" standard requires substantial deference by the University Administration to faculty recommendations and further understands that the University Administration does not disagree with the interpretation of the "compelling reasons" standard set forth in the 1993 Memorandum; and

WHEREAS, based on such understandings, the Faculty Senate believes that including the Subject Clause in Section E.7. of the revised Procedures would involve unnecessary repetition and could cause undesirable confusion as to the proper interpretation of the "compelling reasons" standard in other sections of the Code and the Procedures; **NOW, THEREFORE**

BE IT THEREFORE RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Resolution 99/2, "A Resolution to Amend the 1996 Faculty Code of The George Washington University," be amended by striking the following clause from the second sentence of Section E.7. of the revised Procedures for Implementing the Faculty Code: ", after giving substantial deference to the findings and recommendations of the relevant Committee,".

Executive Committee of the Faculty Senate
September 22, 2000



FACULTY SENATE

MEMORANDUM

February 10, 1993

TO: FULL-TIME FACULTY COLLEAGUES
FROM: Executive Committee, Faculty Senate
RE: Nonconcurrences; School-Wide Faculty Personnel Committees;
and the Faculty Code

As you may know from the Executive Committee reports to the Senate, two Administration nonconcurrences with faculty promotion recommendations are being reviewed by the Board of Trustees.

In the process of preparing the report for the Board of Trustees and through discussions with administrative officers and faculty, it became apparent that there are distinct variances in the definition of nonconcurrences, compelling reasons, and the role of the School-Wide Personnel Committees. There are also variances regarding the reading of the Faculty Code with respect to policy and procedures.

In the accompanying report the Executive Committee has attempted to provide an institutional and current reading of policy and process with regard to nonconcurrences, compelling reasons, and the faculty role in promotion and tenure decisions. In reviewing this document, please note that the GWU Faculty Code, approved by the Board of Trustees, follows the Joint Statement on Government of Colleges and Universities developed and accepted by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges in 1966.

Enclosure

^ Senate

REPORT OF THE EXECUTIVE COMMITTEE OF THE FACULTY SENATE

THE FACULTY CODE: RESPECTIVE ROLES OF FACULTY AND
ADMINISTRATION IN PROMOTION AND TENURE DECISIONS

I. OVERVIEW OF THE PROCESS

1. The review of the candidate is made by the Departmental Committee(s) on Promotion and/or Tenure in accordance with University, School, and Department criteria and procedures.
2. The recommendation is forwarded to the Academic Dean.
3. The Academic Dean seeks advice of the School-Wide Personnel Committee.
4. The Academic Dean determines whether he/she will sustain the recommendation or noncur and advises the Academic Vice President accordingly.
5. In the event of a nonconcurrence by either the Dean or the Vice President, the relevant Department and the Executive Committee are notified.
6. The Executive Committee meets separately with the Department Chair/representative; and the Dean. If a resolution cannot be achieved and neither party withdraws, the matter, with an accompanying report from the Executive Committee, is forwarded to the Board of Trustees for resolution.

II. THE FACULTY CODE AND TENURE/PROMOTION: INTERPRETATION AND PROCEDURES

The Faculty Code provides that tenure and promotion recommendations "shall normally follow faculty recommendations" and that "departures from the standard shall be limited to those cases involving compelling reasons." A nonconcurring administrative officer must show "compelling reasons" and must give "supporting reasons" for the nonconcurrence. [Faculty Code, p.19, Par. 3 & 4]

For reasons of the special nature of faculty self-governance and the presumption of the specialized professional qualifications of the recommending faculty, the faculty is given a large measure of discretion by the Faculty Code. Under the Code, in the case of a nonconcurrence, a heavy burden of overcoming a presumption in favor of the Department's recommendation is placed upon the Dean. As indicated, the latter must identify the "compelling reasons" for his/her nonconcurrence. [Faculty Code, p.19, Par. 3]

Institutionally the term "compelling reasons" has been interpreted as constituting more than a different conclusion on the part of the administrator. "Compelling reasons" have been identified as: financial constraints of the University; programmatic constraints; failure of the faculty to conform to published promotion or tenure procedures; arbitrary and capricious recommendations; insufficient supporting evidence provided by the Department; and inadequacy of the reasons presented by the Department. The Code, as noted above, also requires that the administrative official who nonconcurs

provide "supporting reasons." [Faculty Code, p.19, Par. 4]

The George Washington University Faculty Code follows the Joint Statement on Government of Colleges and Universities, developed and accepted in 1966 by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. The section from the Joint Statement pertaining to the role of the faculty vis-à-vis personnel actions is as follows:

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail. [AAUP, Section V, p.109, Par. 3]

It would seem reasonable to expect a nonconcurrence to include the following:

1. A statement of nonconcurrence, with explicit conclusions;
2. A reasoned justification of the nonconcurrence, citing explicit factual findings and professional judgments, and referring in explicit terms to the record submitted with the recommendation; and

3. Specific detailed findings with supporting evidence relating to the alleged shortcoming with regard to the individual faculty member's professional achievement, quality of work, and general or specific professional reputation, in order to demonstrate "compelling reasons."

The nonconcurrence, then, should be supported by findings sufficient to rebut and overcome the evidence submitted in support of the faculty recommendation.

III. RECENT PROVISIONS IN THE FACULTY CODE: ROLES OF RESPECTIVE PARTIES

The Faculty Code, the Joint Statement, and traditional practice identify the Department Committee as the group with primary professional expertise with respect to the candidate's record. In establishing the School-Wide Personnel Committees [Senate Resolutions 91/6 and 91/9], the intent of the Faculty Senate and the Committee on Appointment, Salary, and Promotion Policies which presented the Resolutions was that these groups serve as multiple disciplinary decanal advisory groups rather than to impose a substantive judgment on top of that of the departments. They are explicitly advisory to the Dean; they were not intended to substitute their judgment for that of the Department faculty. Resolutions 91/6 and 91/9

establishing School-Wide Personnel Committees read as follows:

D. School-Wide Personnel Committees

Res. 91/6 To implement the procedures required in Sections B.3 and C.2 above, each school or college shall establish a school-wide personnel committee, either as an elected standing committee or of the school faculty acting as a committee of the whole, to consider recommendations for appointments with tenure, promotion, or tenure of regular full-time faculty. Such committees may request additional information, documentation, or clarification respecting such recommendations. Further:

1. An elected standing committee, sitting in review of recommendations originating from a department or equivalent unit, shall advise the dean of that school or college whether the candidate has met the relevant school and department criteria, and whether it has identified any "compelling reasons" which may exist for not following the departmental or unit recommendation. Such advisories shall not be construed as "faculty recommendations" as defined by Section B.3 of the Procedures for Implementation of the Faculty Code.

Res. 91/9 2. When the faculty of a school or college, sitting as a committee of the whole, serves as the school's personnel committee, and initiates recommendations to the dean for appointments and actions affecting renewal of appointments, promotion, tenure designation, and termination of service, such recommendations shall be construed as "faculty recommendations" in the sense of the Procedures, Section B.3.

The role of the Executive Committee of the Faculty Senate with respect to nonconcurrences should also be considered. Composed of one elected representative from each school, it is not intended to function as yet another committee reviewing the specific qualifications of the candidate. The Executive Committee, like the advisory personnel committees of the Schools and the Dean, is not,

as a group, professionally qualified to evaluate de novo the substantive conclusions of the faculty. The role of the Executive Committee is an institutional one, to serve the process, not to independently substitute its judgment for that of the Department faculty. It seeks to obtain an agreeable resolution through examination of both the recommendation and the nonconcurrence.

Institutional experience indicates that the interpretation of the Faculty Code and the role of the relevant groups within the tenure/promotion process, as outlined above, is appropriate. In the majority of cases, concurrence has been reached through internal discussion and debate. As verified by past experiences, the University has been effectively served by its system of faculty self-governance to solve internal problems and disagreements.

February 10, 1993

From *Academe* Sept.- Oct. 1993

The Standard of "Compelling Reasons" in the *Joint Statement on Government of Colleges and Universities*

An interpretation approved in May 1993 by Committee T on College and University Government

Responding to inquiries from officers of several of AAUP's state conferences, Committee T discussed the "compelling reasons" standard set forth in the *Joint Statement on Government of Colleges and Universities*. The *Statement on Government* provides that "[t]he governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail." What, members of Committee T considered, are reasons that can be described as compelling? Committee members noted in their discussion that the "compelling reasons" standard calls for something much stronger than mere disagreement with a faculty judgment. The standard should be consistent with the provision in the *Statement on Government* that the faculty has primary responsibility for faculty status and related matters. It would be inconsistent, however, with broader principles of shared authority and collegiality to expect the administration and governing board to resist the presumption in favor of the faculty judgment only if they can show that their reason for doing so is compelling in the sense of irresistible.

Committee T concluded that a compelling reason involves more than disagreement with faculty judgment but is not one that virtually commands a decision. Even if the administration and governing board are persuaded that the faculty judgment is incorrect, they should reverse it only on that rare occasion when they can provide convincing reasons for rejecting the faculty's presumed academic expertise. A compelling reason should be one which plainly outweighs persuasive contrary reasons.

A RESOLUTION ACCEPTING WITH APPROVAL THE REPORT OF THE JOINT FACULTY/ADMINISTRATION TASK FORCE ON THE PROPOSED COLLEGE OF PROFESSIONAL STUDIES (00/3)

WHEREAS, the Faculty Senate has given careful consideration to the complex issues arising out of the proposed College on three occasions; has delegated or received detailed reports on the proposal from three committees, and has had the benefit of both a presentation by the present coordinator and of detailed discussion at a day conference of broad campus representation; and

WHEREAS, the Faculty Senate appreciates that the approach to professional education proposed for the College of Professional Studies is an important contemporary development in higher education that The George Washington University can and should employ to its advantage; and

WHEREAS, in an appreciation of the diverse and complex interests, both administrative and academic, that required extended negotiation and consultation in planning for the new college, the Faculty Senate sought the good counsel of a special joint faculty/administrative task force; and

WHEREAS, the Joint Faculty/Administrative Task Force has produced, after some months of investigation and deliberation, a comprehensive consensus document (the "Report") that appears to be an effective working plan for the implementation of the new college; and

WHEREAS, the Faculty Senate recognizes that amendments to the Faculty Code, as the basic charter for faculty participation in university governance, may prove necessary to reconcile with the current Code certain practices and procedures recommended for the effective administration of the new College of Professional Studies; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the Faculty Senate of The George Washington University hereby (a) expresses its considerable thanks to the Joint Faculty/Administration Task Force for its sustained, diligent and creative work and for its very useful Report; and (b) expresses its approval in principle of the Report of the Joint Faculty/Administration Task Force; and hereby forwards the Report to the President and the Board of Trustees for their consideration; and
- (2) That the Faculty Senate agrees, upon acceptance of the Report by the Board, to draft and consider amendments to the Faculty Code consistent with the Joint Faculty/Administration Task Force's recommendations.

Executive Committee of the Faculty Senate
September 22, 2000